IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.1063 OF 2007
IN
APPEAL NO.870 OF 2007

1. Dayanand Krishna Moyali
2. Anil Shankar Vetal
Both at present lodged in
Yerawada Central Prison,
Pune. ..Applicants
(Ori.Accused 1 and 3)

Vs.

The State of Maharashtra ..Respondent

...

Mr.Abhaykumar Apte advocate for applicants
Mr.V.B.Konde-Deshmukh A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 30, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have been mainly convicted under Section 397 of IPC and sentenced to R.I. for seven years. The applicants are seeking bail.

3. Mr.Apte, the learned advocate for the applicants states that both the applicants have

been in custody for almost six years and hence, they may be granted bail. As far as applicant no.1 is concerned, no antecedents have been pointed out by the prosecution. However, as far as applicant no.2 is concerned, the following antecedents have been pointed out by the learned A.P.P.:

(i) C.R.No. 164 of 1999 of Kapurbavadi P.St.
(ii) C.R.No. 213 of 1999 of Kapurbavadi P.St.
(iii)C.R.No. 214 of 1999 of Kapurbavadi P.St.

4. Mr.Apte, the learned advocate for the applicants states that out of these three cases, the applicant no.2 has been acquitted in C.R.No. 164 of 1999, however, he seeks time to take instructions in respect of the other two cases. In this view of the matter, I am inclined to grant bail to the applicant no.1. As far as applicant no.2 is concerned, liberty is granted to the applicant no.2 to prefer a fresh application for bail after Diwali vacation.

5. The applicant no.1- Dayanand Krishna Moyali to be released on bail in the sum of Rs.20,000/- (Rs. twenty thousand only) with one or two sureties to

make up the said amount. The applicant no.1 shall report to Shiroli M.I.D.C., Police Station till the final decision in the appeal. Before being released on bail, the applicant no.1 to inform the concerned police station the address at which he is going to reside during the period that he is on bail.

6. Application is disposed of in the above terms.

[SMT.V.K.TAHILRAMANI, J.]